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Attorneys for Plaintiff Sierra Club

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

SIERRA CLUB, a non-profit
organization,

Plaintiff,

v.

DONALD RUMSFELD, in his official
capacity as Secretary of the Department
of Defense; and UNITED STATES
DEPARTMENT OF DEFENSE,

Defendants.

Case No.: C-06-3997 CRB

**PLAINTIFF'S NOTICE OF
DISMISSAL OF THE COMPLAINT**

ORDER

1 Plaintiff Sierra Club, pursuant to Rule 41(a)(1) of the Federal Rules of Civil
2 Procedure, hereby dismisses all causes of action in the complaint as to defendants Donald
3 Rumsfeld, in his official capacity as the Secretary of the Department of Defense, and the
4 Department of Defense without prejudice.

5 The Sierra Club is dismissing this action because the relief sought by the Sierra
6 Club has recently been obtained. This action was brought to force the defendants to
7 submit to the Senate and House of Representative Committees on Armed Services a
8 report on the effects of windmill farms on military readiness. On September 28, 2006, the
9 Department of Defense submitted The Effect of Windmill Farms on Military Readiness
10 to the Congressional Defense Committees. Therefore, the relief sought by the Plaintiff
11 has been achieved.

12 Neither Donald Rumsfeld nor the Department of Defense has filed an answer to
13 the complaint or a motion for summary judgment. Dismissal under Rule 41(a)(1) is
14 therefore appropriate.

15 DATED: October 10, 2006

Respectfully submitted,

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18 s/Kristin A. Henry

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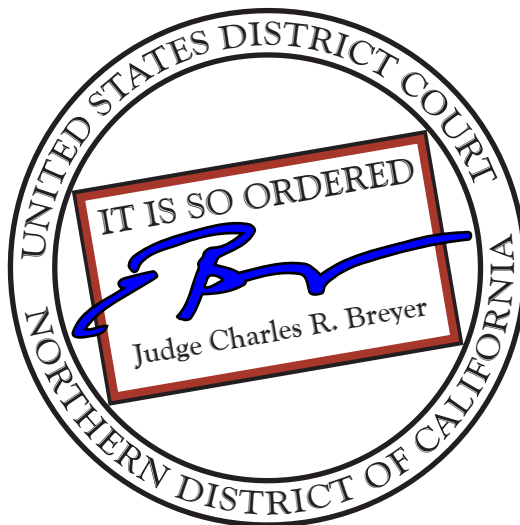
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October 11, 2006